

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA, :
 :
 PLAINTIFF, :
 :
 v. : CIVIL ACTION NO. 3:06CV053-MHT
 :
 TEN FIREARMS AND :
 VARIOUS AMMUNITION, :
 :
 DEFENDANT. :

MEMORANDUM IN SUPPORT OF
MOTION FOR ENTRY OF DECREE OF FORFEITURE

On or about January 18, 2006, the United States filed a Verified Complaint for Forfeiture In Rem pursuant to the provisions of Title 28, United States Code, Section 1345 and 1355 and Title 18, United States Code, Section 924(d), seeking the forfeiture of the following Defendant firearms and ammunition:

- a. NEW ENGLAND, Model Pardner-Model SBI (12 Gauge) Shotgun, SN: NH506837;
- b. ARMSCORP OF THE PHILIPPINES (SQUIRES BINGHAM), Model 20 (.22 Caliber) Rifle, SN: 251075;
- c. MARLIN FIREARMS COMPANY, Model 336RC (.30-30 Caliber) Rifle, SN: P7119;
- d. REMINGTON ARMS COMPANY, INC., Model 511 (.22 Caliber) Rifle;
- e. SAVAGE ARMS INC., Model 77C (12 Gauge) Shotgun;
- f. WINCHESTER, Model 37 (.410 Gauge) Shotgun;
- g. SAVAGE ARMS INC., Model 87A (.22 Caliber) Rifle;
- h. RANGER ARMS, INC., Model Precision 1043 (12 Gauge) Shotgun, SN: 168000;
- i. WINCHESTER, Model 94 (.30-30 Caliber) Rifle, SN: 3816832;

- j. MOSSBERT, Model 500 E (.410 Gauge) Shotgun, SN: P799115;
- k. 1 Each Unknown Manufactured Assorted Ammunition Rounds (102 ROUNDS).

Upon the filing of said Complaint, the Clerk of the United States District Court for the Middle District of Alabama issued a warrant and summons for arrest in rem pursuant to Rule C(3), Supplemental Rules for Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure. On January 30, 2006, the Bureau of Alcohol, Tobacco, Firearms, and Explosives executed said warrant and summons for arrest thereby seizing the defendant firearms and ammunition and taking said property into the custody of the United States.

On January 30, 2006, actual notice of the forfeiture action and the arrest of the firearms and ammunition was provided to the owner, Alfred Bryant.

On January 30, 2006, actual notice of the forfeiture action and the arrest of the firearms and ammunition was provided to the owner's attorney, Deborah Hill Biggers.

On January 31, 2006, the Bureau of Alcohol, Tobacco, Firearms, and Explosives attempted service on Dewitt E. Reed. Catherine Howard advised the Bureau of Alcohol, Tobacco, Firearms, and Explosives that Dewitt E. Reed had been deceased since 1998.

On March 29, 2006, actual notice of the forfeiture action and the arrest of the firearms and ammunition was provided to an interested party, Benny Seagts.

Additionally, the United States provided public notice of the action by publishing a detailed Public Notice of Arrest and Seizure in the Tuskegee News newspaper (a newspaper of general circulation in the district and county in which this action is pending) on February 23, and March 2 and 9, 2006.

No claims or answers have been filed by any one, and the time for filing has now expired.

The United States has met its burden of establishing that said defendant firearms and ammunition were used or carried during and in relation to any drug trafficking crime for which the person may be prosecuted in a court of the United States, or possession of a firearm in furtherance of any such crime as set forth in its uncontested Verified Complaint for Forfeiture In Rem.

Accordingly, the United States respectfully moves the Court to enter a Decree of Forfeiture in this action forfeiting the above mentioned defendant **firearms and ammunition**. A proposed Decree of Forfeiture setting forth this information has been prepared for the convenience of the Court and is attached hereto.

Respectfully submitted this 15th day of May, 2006.

FOR THE UNITED STATES ATTORNEY
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